THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.13750 of 2004

Dated : 20.09.2007

Between:

Meda Bodaiah S/o Lakshmi Narsaiah

..... PETITIONERS

And:

The Superintendent Engineer,
Northern Power Distribution Company, Khammam and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.13750 of 2004

ORDER:

The first petitioner is the father and petitioners 2 and 3 are brothers of one M.Venkanna. While so, on 15.06.1999, while the said Venkanna was collecting palm cane, he accidentally came in contact with electrical wire lying on the ground in the lands and thereby he received electric shock and died on the spot. In that connection, the Khammam police registered a case in Crime No.67 of 1999 and investigated into. As the said incident happened due to the negligence on the part of the respondent-authorities, petitioners made several representations to the respondent-authorities seeking compensation, but in vain. Hence, they filed the instant writ petition seeking a Mandamus declaring the action of

the respondents in not paying compensation as arbitrary and illegal and for a consequential direction to the respondents to pay compensation of Rs.2,00,000/- to the petitioners.

Despite service of notice, respondents have not chosen to file any counter-affidavit.

Heard Sri N.M.Krishnaiah, learned counsel for the petitioners as well as Sri V.Ajay Kumar, learned standing counsel for the respondents.

Admittedly, the son of the first petitioner and the brother of petitioners 2 and 3 died on account of electrocution. The postmortem report as well as the first information report clearly indicate that the said Venkanna died due to electric shock. The question as to whether the said incident was purely accidental or on account of the negligence on the part of the respondent-authorities is a matter to be gone into by the civil court and this Court, exercising its jurisdiction under Article 226 of the Constitution of India, cannot decide the said disputed question of fact. However, as the death of the said Venkanna caused due to electrocution, this Court is of the view that the respondents shall be directed to pay an amount of Rs.50,000/- towards compensation to the petitioners and liberty is given to the petitioners to approach competent civil court for their redressal, which shall decide as to whether the said electrocution was only accidental or on account of the negligence on the part of the respondent-authorities.

At this juncture, learned counsel for the petitioners submitted that suit for damages could not be instituted because of pendency of the writ petition and as the time for filing the suit is over, he requests this Court to grant liberty to the petitioners to file a civil suit.

Accordingly, the writ petition is disposed of with a direction to the respondents to pay an amount of Rs.50,000/- (Rupees fifty thousand only) to the petitioners towards compensation within a period of six weeks from the date of receipt of a copy of this order, and the petitioners

are granted liberty to file a civil suit within a period of three months from the date of receipt of a copy of this order. If any suit is filed, the Civil Court may accept and register the same, without raising objection as to limitation. There shall be no order as to costs.

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20.09.2007

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